**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 8296 of 2004

Between:

1 Ashraf Ali S/o. Subhan Ali
2 Faiyaz Hassain Khan S/o. Ali Hassan Khan
3 Adbul Rahman S/o. Abdul Aziz

.....
PETITIONERS

AND

1 The Collector, Adilabad.
2 The Chief Executive Officer, Zilla Parishad, Adilbad.
3 The Head Master, Z.P. High School, Itchoda Adilabad Dist.
4 The Convenor, Parents Committee, Z.P. High School, Itchoda, Adilabad Dist.
5 Sri Sayanna, Itchoda, Adilabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in asking the petitioners to remove their shops which had been existing for long years without following any procedure and without having any jurisdiction as illegal and consequently direct the respondents not to cause any interference to the business of the petitioners.

Counsel for the Petitioner : Mr.K.ANANTH RAO (not present)

Counsel for Respondents 1&2: G.P. FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.3 : Ms.JYOTHISWAR GOGINENI

The Court at the admission stage, made the following :

**ORDER:**

On 29.4.2004, when this writ petition has come up before me, none appeared for the petitioners and there was also no representation. Therefore the matter was directed to be listed after Summer vacation. Today when the matter came up for hearing, none appeared for the petitioners and there is also no representation on their behalf.

The petitioners who claim to be petty businessmen doing their respective business on the road margin in the Bazar Area of Itchoda Town since several years by paying amounts to the Itchoda Gram Panchayat, without any hindrance to the traffic, filed the present writ petition stating that at the instance of respondents 4 and 5, third respondent, is interfering with their business and threatening them to remove the shops. Aggrieved by the same, petitioners filed the present writ petition seeking indulgence of this Court in the matter.

Having regard to the facts and circumstances of the case, it cannot be presumed that the respondents will not follow the procedure established by law for due eviction of the petitioners if they have really established any small shops on the road margin. If the said shops are objectionable, the respondents are at liberty to proceed in accordance with law.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

DA

To

1 The Collector, Adilabad.
2 The Chief Executive Officer, Zilla Parishad, Adilbad.
3 The Head Master, Z.P. High School, Itchoda Adilabad Dist.
4 The Convenor, Parents Committee, Z.P. High School, Itchoda,

Adilabad Dist.

5 Two CCs to the G.P. for Panchayat Raj and Rural Development Department, High Court Buildings, Hyderabad (OUT).

6 Two CD copies.